

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Lazaro Despaigne Borrero,

Civil No. 07-1814 (RHK/FLN)

Plaintiff,

ORDER

v.

Joan N. Ericksen, United States
District Judge, in her personal capacity,

Defendant.

Based upon the undersigned's de novo review of the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated June 4, 2007, Plaintiff's Objections thereto, and all the files and records, **IT IS ORDERED**:

1. The Objections (Doc. No. 12) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 11) is **ADOPTED**;
3. Plaintiff's applications for leave to proceed in forma pauperis (Doc. Nos. 2 and 3) are **DENIED**;
4. Plaintiff's Motion for Appointment of Counsel (Doc. No. 4) is **DENIED**;
5. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b);
6. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely \$346.50, in accordance with 28 U.S.C. § 1915(b)(2); and

7. The dismissal of this action is counted as a “strike” against Plaintiff for purposes of 28 U.S.C. § 1915(g).

Dated: June 29, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge